



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 23] नई दिल्ली, जून 28—जुलाई 4, 2020, शनिवार/आषाढ़ 7—आषाढ़ 13, 1942
No. 23] NEW DELHI, JUNE 28—JULY 4, 2020, SATURDAY/ASADHA 7—ASADHA 13, 1942

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(व्यय विभाग)

नई दिल्ली, 26 जून, 2020

का.आ. 472.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, भारतीय लेखापरीक्षा और लेखा विभाग में भारत सरकार के निम्नलिखित कार्यालय जिसके अस्सी प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है, नामशः-

लेखापरीक्षा महानिदेशक, वैज्ञानिक विभाग, बेंगलुरु।

[सं. ए-12034/02/2014-ईजी]

ऐनी जॉर्ज मैथ्यू, अपर सचिव

MINISTRY OF FINANCE**(Department of Expenditure)**

New Delhi, the 26th June, 2020

S.O. 472.— In pursuance of sub- rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Government of India in the Indian Audit and Accounts Department, in which eighty per cent. of the staff have acquired the working knowledge of Hindi, namely:-

Director General of Audit, Scientific Department, Bengaluru.

[No. A-12034/02/2014-EG]

ANNIE GEORGE MATHEW, Addl. Secy.

कोयला मंत्रालय

नई दिल्ली, 30 जून, 2020

का.आ. 473.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

और, उक्त अनुसूची में वर्णित भूमि के क्षेत्र के अंतर्गत आने वाले रेखांक संख्या ईसीएल/एसपीएम/जीएम/एसयूआर/96, तारीख 23 दिसम्बर, 2019 का निरीक्षण महाप्रबंधक, एस.पी. माईस क्षेत्र, ईस्टर्न कोलफील्ड्स लिमिटेड, संकतोडिया, डाकघर चित्रा, जिला देवघर, झारखंड-815351 या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीट्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, रांची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या जिला कलेक्टर, दुमका, झारखंड के कार्यालय में किया जा सकता है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

2. उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति -

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा; या
- (ii) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गई किसी कार्रवाई से हुई या होने वाली संभावित किसी क्षति के लिए उक्त अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; या
- (iii) उक्त अधिनियम की धारा 13 की उप- धारा (1) के अधीन समाप्त हो गई पूर्वोक्षण अनुज्ञप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन समाप्त हो गए खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (1) के

खंड (i) से खंड (iv) में विनिर्दिष्ट मदों के संबंध में उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चाटों और अन्य दस्तावेजों को,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिनों की अवधि के भीतर महाप्रबंधक, एस.पी. माईस क्षेत्र, ईस्टर्न कोलफील्ड्स लिमिटेड, संकतोडिया, डाकघर चित्रा, जिला देवघर, झारखंड-815351 को सुपुर्द करेगा।

अनुसूची

चित्रा ईस्ट ओ.सी.पी.

एस.पी. माईस क्षेत्र

जिला-देवघर, राज्य झारखंड

[रेखांक संख्या ईसीएल/एसपीएम/जीएम/एसयूआर/96, तारीख 23 दिसम्बर, 2019]

सतही अधिकार:

क्रम संख्या	मौजा/ ग्राम का नाम	पटवारी सर्किल संख्या/ थाना संख्या	तहसील/ अंचल	जिला	क्षेत्र हेक्टेयर में (लगभग)	टिप्पणियां
1.	तुलसीडाबर	09/0596	सारठ	देवघर	49.47	भाग
2.	खून	08/0593	पालोजोरी	देवघर	63.31	भाग
3.	ताराबाद	08/0591	पालोजोरी	देवघर	50.36	भाग
4.	जमुआ	08/0602	पालोजोरी	देवघर	11.30	भाग
कुल: 174.44 हेक्टेयर (लगभग) या 431.04 एकड़ (लगभग)						

सीमा-विवरण: ब्लाक की सीमा देवघर जिला के सारठ और पालोजोरी अंचल के ऊपर वर्णित कुल 4 मौजा/ग्राम से होकर गुजरती है।

ब्लॉक- 1 :

- रेखा क-ख-ग : रेखा बिन्दु संख्या 'क' से प्रारंभ होती है, जो तुलसीडाबर मौजा से दक्षिण पूर्व दिशा से गुजरते हुए बिन्दु 'ग' (जो ब्लॉक का दक्षिण पूर्व कोना है), मौजा तुलसीडाबर में।
- रेखा ग- घ : रेखा बिन्दु संख्या 'ग' से प्रारंभ होती है, जो मौजा तुलसीडाबर में दक्षिण पूर्व कोना है, से गुजरते हुए उत्तर दिशा में बिन्दु 'घ' तक पहुँचती है।
- रेखा घ-ड.-च : रेखा बिन्दु संख्या 'घ' से प्रारंभ होती है, जो मौजा तुलसीडाबर में उत्तर पूर्व कोना है, से दक्षिण-पश्चिम दिशा से गुजरते हुए बिन्दु 'च' तक पहुँचती है।
- रेखा च-छ-ज : रेखा बिन्दु संख्या 'च' से प्रारंभ होती है, जो ब्लॉक का दक्षिण पश्चिम कोना है, से उत्तर पश्चिम दिशा से गुजरते हुए बिन्दु 'ज' तक पहुँचती है।

5. रेखा ज-झ-क : रेखा बिन्दु संख्या 'ज' से प्रारंभ होती है, जो ब्लॉक का उत्तर पश्चिम कोना है, से उत्तर पूर्व दिशा से गुजरते हुए बिन्दु 'क' तक पहुँचती है।

ब्लॉक- 2 :

1. रेखा ए-बी-सी-डी-ई-एफ-जी-एच : रेखा खून मौजा के बिन्दु संख्या 'ए' से प्रारंभ होती है, जो पूर्व दिशा में बिन्दु संख्या 'बी,सी,डी,ई,एफ,जी' से गुजरते हुए जमुआ मौजा में बिन्दु 'एच' तक पहुँचती है।
2. रेखा एच-आई : रेखा बिन्दु संख्या 'एच' से प्रारंभ होती है जो मौजा जमुआ में ब्लॉक का पूर्वी कोना है, से गुजरते हुए दक्षिण पश्चिम दिशा में मौजा ताराबाद के बिन्दु संख्या 'आई' तक पहुँचती है।
3. रेखा आई-जे : रेखा बिन्दु संख्या 'आई' से प्रारंभ होती है जो मौजा ताराबाद में ब्लॉक का दक्षिण पश्चिम कोना से पूर्व की दिशा में गुजरते हुए ताराबाद मौजा में बिन्दु संख्या 'जे' तक पहुँचती है।
4. रेखा जे-के : रेखा बिन्दु संख्या 'जे' से प्रारंभ होती है जो मौजा ताराबाद में ब्लॉक का पूर्वी कोना से दक्षिण पूर्व की दिशा में गुजरते हुए ताराबाद मौजा में बिन्दु 'के' तक पहुँचती है।
5. रेखा के-एल-एम-एन : रेखा बिन्दु संख्या 'के' से प्रारंभ होती है जो मौजा ताराबाद में ब्लॉक का दक्षिण पूर्वी कोना से उत्तर- पश्चिम की दिशा में बिन्दु 'एल-एम' से गुजरते हुए ताराबाद मौजा में बिन्दु 'एन' तक पहुँचती है।
6. रेखा एन-ओ-पी : रेखा बिन्दु संख्या 'एन' से प्रारंभ होती है जो मौजा ताराबाद में ब्लॉक का दक्षिण पूर्वी कोना से दक्षिण - पश्चिम की दिशा में बिन्दु 'ओ' से गुजरते हुए खून मौजा में बिन्दु 'पी' तक पहुँचती है।
7. रेखा पी-क्यू : रेखा बिन्दु संख्या 'पी' से प्रारंभ होती है जो खून मौजा में ब्लॉक का दक्षिण पूर्वी कोना से पश्चिम की दिशा में गुजरते हुए खून मौजा में बिन्दु 'क्यू' तक पहुँचती है।
8. रेखा क्यू-आर : रेखा बिन्दु संख्या 'क्यू' से प्रारंभ होती है जो ब्लॉक का दक्षिण पश्चिम कोना है, से उत्तर-पश्चिम दिशा में गुजरते हुए खून मौजा में बिन्दु 'आर' तक पहुँचती है।
9. रेखा आर-एस-टी-यू-वी-डब्ल्यू-एक्स-वाई : रेखा बिन्दु संख्या 'आर' से प्रारंभ होती है जो मौजा खून में ब्लॉक का दक्षिण पश्चिम कोना से उत्तर-पूर्व की दिशा में बिन्दु 'एस,टी,यू,वी,डब्ल्यू,एक्स' से गुजरते हुए खून मौजा में बिन्दु 'वाई' तक पहुँचती है।
10. रेखा वाई-जेड-ए : रेखा बिन्दु संख्या 'वाई' से प्रारंभ होती है जो मौजा खून में ब्लॉक का उत्तर पश्चिम कोना से उत्तर पूर्व की दिशा में बिन्दु 'जेड' से गुजरते हुए खून मौजा में बिन्दु 'ए' तक पहुँचती है।

[फा. सं. 43015/10/2020-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

MINISTRY OF COAL

New Delhi, the 30th June, 2020

S.O. 473.— Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And whereas, the plan bearing number ECL/SPM/GM/SUR/96, dated 23rd December, 2019 of the area described in the said Schedule may be inspected at the office of the General Manager, S.P. Mines Area, Eastern Coalfields Limited, Sanctoria, P.O. Chitra, District Deoghar, Jharkhand-815351 or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute Limited, Gondwana Palace, Kanke Road, Ranchi (Jharkhand) or at the office of the Coal Controller, I, Council House Street, Kolkata-700001 or at the office of the District Collector, Dumka, Jharkhand.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to the said Act), the Central Government hereby gives notice of its intention to prospect for coal from the land described in the said Schedule.

2. Any person interested in the land described in the said Schedule may –

- (i) object to the acquisition of the whole or any part of the land or of any right in or over the said land; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act; or
- (iii) claim compensation under sub-section (1) of section 13 of the Act in respect of prospecting licences ceasing to have effect or under sub-section (4) of section 13 of the Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act.

by sending it to the office of the General Manager, S.P. Mines Area, Eastern Coalfields Limited, Sanctoria, P.O. Chitra, District Deoghar, Jharkhand-815351 within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Chitra East OCP

S.P.Mines Area

District- Deoghar, State- Jharkhand

[Plan bearing number: ECL/SPM/GM/SUR/96, dated the 23rd December, 2019]

Surface Rights:

[illegible]

Boundary Description: The boundary of the block passes through the above said 4 Mouza/ Village of Sarath and Palojori block of Deoghar District.

Block-1:

1. Line A-B-C: The line starts at point -A in Tulsidabar mouza trends in South East direction reaches at point-C (South- East corner of the block) in Tulsidabar Mouza.
2. Line C-D: The line starts at point -C in the South East corner of the coal block in Tulsidabar mouza trends in North direction of the block reaches at point-D.
3. Line D-E-F: The line starts at point -D in the North- East corner of the coal block in Tulsidabar Mouza trends in South-west direction reaches at point-F.
4. Line F-G-H: The line starts at point -F in the South- West corner of the coal block trends in North-west direction reaches at point-H.
5. Line H-I-A: The line starts at point -H in the North- West corner of the coal block trends in North-East direction reaches at point-A.

Block-2:

1. Line a-b-c-d-e-f-g-h: The line starts at point -a in Khoon mouza trends in East direction passes through point b,c,d,e,f,g and reaches at point-h in Jamua Mouza.
2. Line h-i: The line starts at point -h in the East corner of the block in Jamua mouza trends in South-West direction of the block reaches at point-i in Tarabad mouza.
3. Line i-j: The line starts at point -i in the South-West corner of the block in Tarabad Mouza and trends in East direction reaches at point-j in Tarabad Mouza.
4. Line j-k: The line starts at point -j in the East corner of the block in mouza Tarabad and trends in South-East direction reaches at point-K in mouza Tarabad.
5. Line k-l-m-n: The line starts at point -k in the South East corner of the block in mouza Tarabad and trends in North-west direction passes through point l, m and reaches at point-n in mouza Tarabad.
6. Line n-o-p: The line starts at point -n in the South East corner of the block in mouza Tarabad and trends in South-west direction passes through point o and reaches at point-p in mouza Khoon.
7. Line p-q: The line starts at point -p in the South East corner of the block in mouza Khoon and trends in west direction reaches at point-q in mouza Khoon.
8. Line q-r: The line starts at point -q in the South- West corner of the block in mouza khoon and trends in North-west direction reaches at point-r in mouza Khoon.
9. Line r-s-t-u-v-w-x-y: The line starts at point -r in the South-West corner of the block in mouza khoon and trends in North-East direction passes through point s,t,u,v,w,x and reaches at point-y in mouza Khoon.
10. Line y-z-a: The line starts at point y in the North-West corner of the block in mouza khoon and trends in North-East direction passes through point z and reaches at point-a in mouza Khoon.

[F. No. 43015/10/2020-LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 30 जून, 2020

का.आ. .474—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि से कोयला अभिप्राप्त किए जाने की संभावना है ;

और, उक्त अनुसूची में उल्लिखित भूमि के क्षेत्र के अंतर्गत आने वाले रेखांक संख्या सी-1(ई)III/एफआर/949-0919, तारीख 19 सितम्बर, 2019, का निरीक्षण, वेस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग), कोल इस्टेट, सिविल लाईन्स, नागपुर - 440 001 (महाराष्ट्र) या मुख्य महाप्रबंधक (खोज प्रभाग), केन्द्रीय खान योजना और डिजाइन संस्थान लिमिटेड, गोंडवाना प्लेस, कांके रोड, रांची - 834 001 या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700 001 के कार्यालय में या जिला कलेक्टर, जिला नागपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है;

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा शक्तियों का प्रयोग करते हुए उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

2. उक्त अनुसूची में उल्लिखित भूमि में हितबद्ध कोई व्यक्ति -

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके उपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा ; अथवा
- (ii) उक्त अधिसूचना की धारा 4 की उप-धारा (3) के अधीन की गयी किसी कार्यवाही से हुई या होने वाली संभावित किसी क्षति के लिए अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; अथवा
- (iii) उक्त अधिनियम की धारा (13) की उप-धारा (1) के अधीन पूर्वेक्षण अनुज्ञप्तियों के प्रभावहीन होने के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन खनन पट्टे प्रभावहीन होने के लिए प्रतिकर का दावा कर सकेगा और उसे उक्त अधिनियम की धारा 13 की उपधारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मदों की बाबद् उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चार्टों और अन्य दस्तावेजों को परिदत्त कर सकेगा ।

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, क्षेत्रीय महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर क्षेत्र, पोस्ट ऑफिस जरीपटका, तहसील नागपुर, जिला नागपुर (महाराष्ट्र) या विभागाध्यक्ष/मुख्य प्रबंधक (भूमि और राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड, कोल ईस्टेट, सिविल लाईन्स, नागपुर- 440 001 (महाराष्ट्र) को भेजेंगे ।

अनुसूची

अमल्लामेटेड इंदर-कामपटी डीप ओपनकास्ट माईन
नागपुर क्षेत्र
जिला नागपुर (महाराष्ट्र)

[रेखांक संख्या सी-1(ई)III/एफआर/949-0919, तारीख 19 सितम्बर, 2019]

क्र. सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में			कुल (हेक्टेयर में)	टिप्पणी
					निजी	सरकारी	भाग		
भाग 1	कांद्री	15अ	पारसिवनी	नागपुर	9.53	5.36	0	14.89	भाग
भाग 2	कांद्री	15अ	पारसिवनी	नागपुर	0.90	0	0	0.90	भाग
भाग 3	कांद्री	15अ	पारसिवनी	नागपुर	7.68	0.56	0	8.24	भाग
भाग 4	टेकाडी	14	पारसिवनी	नागपुर	1.46	0	0	1.46	भाग
भाग 5	टेकाडी	14	पारसिवनी	नागपुर	17.22	1.85	0	19.07	भाग
भाग 6	टेकाडी	14	पारसिवनी	नागपुर	0.71	0.05	0	0.76	भाग
भाग 7	टेकाडी	14	पारसिवनी	नागपुर	1.57	0	0	1.57	भाग
भाग 8	टेकाडी	14	पारसिवनी	नागपुर	0.54	0	0	0.54	भाग
भाग 9	टेकाडी	14	पारसिवनी	नागपुर	0.01	0	0	0.01	भाग
भाग 10	टेकाडी	14	पारसिवनी	नागपुर	0	2.02	0	2.02	भाग
भाग 11	टेकाडी	14	पारसिवनी	नागपुर	12.17	0	0	12.17	भाग
भाग 12	टेकाडी	14	पारसिवनी	नागपुर	0.40	0	0	0.40	भाग
कुल :								62.03	

कुल क्षेत्र : 62.03 हेक्टेयर (लगभग) या 153.28 एकड़ (लगभग)

अधिसूचित किये जाने वाले सीमा क्षेत्र के प्लॉट संख्यांक :

भाग 1

ग्राम कांद्री के प्लॉट संख्यांक :

27, 28/1 (भाग) - 28/2(भाग), 29(भाग), 32/1(भाग), 33/2(भाग)- 33/1- 33/3, 40 (एमआईडीसी), 333 (भाग) (एमआईडीसी), सरकारी भूमि (भाग).

भाग 2

ग्राम कांद्री के प्लॉट संख्यांक :

32/2.

भाग 3

ग्राम कांद्री के प्लॉट संख्यांक :

11/1अ (भाग) - 11/1ब (भाग), 13/1 (भाग), 317, 318/1- 318/2, 326/1, सरकारी भूमि (भाग).

भाग 4

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक :

593.

भाग 5

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक :

597 (भाग), 603/1/ए- 603/1/बी- 603/2ए- 603/2बी, 605/1- 605/2- 605/3, 606/1- 606/2, 607/1- 607/2, 609/1ए- 609/1बी, 609/2, 610/1ए- 610/1बी- 610/2- 610/3ए- 610/3बी- 610/4, 623/3, सरकारी भूमि (भाग).

भाग 6

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक:

588/1 , सरकारी भूमि(भाग).

भाग 7

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक :

529, 532, 587 (भाग).

भाग 8

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक :

538/1- 538/2- 538/3- 538/4- 538/5- 538/6- 538/7, 540, 543, 544, 545, 546.

भाग 9

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक:

581.

भाग 10

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक:

493 (एमआईडीसी) (भाग).

भाग 11

ग्राम टेकाडी (गोंडेगांव) के प्लॉट संख्यांक:

625/1- 625/2, 626, 627/1-627/2- 627/3, 629, 630, 631, 632, 634/3, 635, 636/3ए/1- 636/3ए/2- 636/3बी.

भाग 12

ग्राम टेकाडी (गोंडेगांव) के प्लाट संख्यांक:

624/2.

सीमा वर्णन**(भाग - 1)**

- क - ख : रेखा ग्राम टेकाडी और ग्राम कांद्री की सम्मिलित सीमा पर स्थित बिन्दु 'क' से आरंभ होकर दक्षिण-पूर्व दिशा में नाले के दक्षिण तट से लगकर होती हुई ग्राम कांद्री में नाले के तट पर स्थित बिन्दु 'ख' पर मिलती है।
- ख-ग-घ : रेखा बिन्दु 'ख' से आरंभ होकर दक्षिण दिशा में प्लाट संख्यांक 40, 33/1 की बाह्य सीमा से लगकर होती हुई बिन्दु 'ग' से होकर दक्षिण दिशा से होती हुई सड़क के पश्चिम तट पर स्थित बिन्दु 'घ' पर मिलती है।
- घ-ङ-क : रेखा बिन्दु 'घ' से आरंभ होकर पश्चिम दिशा में प्लाट संख्या 27 की बाह्य सीमा से लगकर होती हुई बिन्दु 'ङ' से होकर उत्तर-पूर्व दिशा में प्लाट संख्या 333 से होकर सड़क पार करती है तद्पश्चात् उत्तर-पूर्व दिशा में ग्राम कांद्री और ग्राम टेकाडी की ग्राम सीमा से लगकर होती हुई बिन्दु 'क' पर समाप्त होती है।

(भाग - 2)

- च-छ-ज-च: रेखा ग्राम कांद्री में बिन्दु 'च' से आरंभ होकर बिन्दु 'छ' और 'ज' से होती हुई एकमात्र प्लाट 32/2 को समाविष्ट करते हुए बिन्दु 'च' पर समाप्त होती है।

(भाग - 3)

- झ - ज : रेखा ग्राम कांद्री में बिन्दु 'झ' से आरंभ होकर दक्षिण-पूर्व दिशा से होती हुई सड़क पार कर प्लाट संख्या 12 की बाह्य सीमा से होती हुई दक्षिण दिशा में नाले के तट से लगकर होती हुई बिन्दु 'ज' पर मिलती है।
- ज - ट : रेखा बिन्दु 'ज' से आरंभ होकर उत्तर-पश्चिम दिशा से होती हुई प्लाट संख्या 13/1 की बाह्य सीमा से लगकर होती हुई सड़क पार कर ग्राम कांद्री में बिन्दु 'ट' पर मिलती है।
- ट - झ : रेखा ग्राम कांद्री में बिन्दु 'ट' से आरंभ होकर उत्तर दिशा में प्लाट संख्या 326/1 की पश्चिम सीमा से लगकर होती हुई सड़क पार करती है और बिन्दु 'झ' पर समाप्त होती है।

(भाग - 4)

- ठ-ड-ढ-ठ : रेखा ग्राम टेकाडी में बिन्दु 'ठ' से आरंभ होकर बिन्दु 'ड' और 'ढ' से होती हुई एकमात्र प्लाट संख्या 593 को संलग्नित करते हुए बिन्दु 'ठ' पर मिलती है।

(भाग - 5)

- ण - त : रेखा ग्राम टेकाडी में बिन्दु 'ण' से आरंभ होकर पूर्व दिशा में तद्पश्चात् दक्षिण दिशा में प्लाट संख्यांक 605/1, 605/2, 605/3 की बाह्य सीमा से लगकर होती हुई फिर पूर्व दिशा में प्लाट संख्या 604 में से होती हुई बिन्दु 'त' पर समाप्त होती है।

- त - थ : रेखा बिन्दु 'त' से आरंभ होकर पश्चिम दिशा में तदपश्चात् दक्षिण दिशा में प्लाट संख्यांक 603/1/अ, 603/1/ब, 603/2/अ, 603/2/ब की बाह्य सीमा से लगकर होती हुई ग्राम टेकाडी में बिन्दु 'थ' पर मिलती है।
- थ - द रेखा ग्राम टेकाडी में बिन्दु 'थ' से आरंभ 603/1/अ, 603/1/ब, 603/2/अ, 603/2/ब की बाह्य सीमा से लगकर होती हुई, तदपश्चात् पश्चिम दिशा में प्लाट संख्यांक 606/1, 606/2, 607/1, 607/2 की बाह्य सीमा से लगकर होती हुई ग्राम टेकाडी में बिन्दु 'द' पर मिलती है।
- द - ध: रेखा ग्राम टेकाडी में बिन्दु 'द' से आरंभ होकर प्लाट संख्यांक 607/1, 607/2 की बाह्य सीमा से लगकर होती हुई फिर उत्तर-पूर्व दिशा में प्लाट संख्यांक 609/1अ, 609/1ब, 609/2 की बाह्य सीमा से लगकर होती हुई सड़क के पूर्व तट पर स्थित बिन्दु 'ध' पर मिलती है।
- ध - न: रेखा ग्राम टेकाडी में बिन्दु 'ध' से आरंभ होकर दक्षिण दिशा में सड़क के पूर्वी तट से लगकर होती हुई सड़क पार करती है तथा सड़क के पश्चिम तट पर स्थित बिन्दु 'न' पर मिलती है।
- न - प: रेखा ग्राम टेकाडी में बिन्दु 'न' से आरंभ होकर उत्तर दिशा में सड़क के पश्चिम दिशा से होती हुई सड़क के तट पर स्थित बिन्दु 'प' पर मिलती है।
- प-फ-ब-भ: रेखा ग्राम टेकाडी में बिन्दु 'प' से आरंभ होकर बिन्दु 'फ'-'ब' से होती हुई प्लाट संख्या 623/3 की दक्षिण-पश्चिम सीमा से लगकर होती हुई प्लाट संख्या 623/3 के उत्तरी-पूर्व कोने पर स्थित बिन्दु 'भ' पर मिलती है।
- भ - ण : रेखा ग्राम टेकाडी में बिन्दु 'भ' से आरंभ होकर सड़क पार करती है फिर दक्षिण दिशा में सड़क के पूर्वी तट से लगकर होती हुई सड़क के पूर्वी तट पर स्थित बिन्दु 'ण' पर समाप्त होती है।

(भाग - 6)

- म -य-म : रेखा ग्राम टेकाडी में बिन्दु 'म' से आरंभ होकर बिन्दु 'य' से होती हुई एकमात्र प्लाट संख्या 588/1 को संलग्नित करती हुई बिन्दु 'म' पर मिलती है।

(भाग - 7)

- क1 - ख1 : रेखा ग्राम टेकाडी में बिन्दु 'क1' से आरंभ होकर पूर्व दिशा में प्लाट संख्या 532 की उत्तरी सीमा से लगकर होती हुई फिर दक्षिण-पूर्व दिशा में प्लाट संख्यांक 529, 587 की बाह्य सीमा से लगकर और प्लाट संख्यांक 587 के कोने पर स्थित और बिन्दु 'ख1' पर मिलती है।
- ख1 - क1 : रेखा बिन्दु 'ख1' से आरंभ होकर प्लाट संख्या 587 में से होकर दक्षिण-पश्चिम दिशा में प्लाट संख्या 532 की बाह्य सीमा से लगकर होती हुई आरंभिक बिन्दु 'क1' पर समाप्त होती है।

(भाग – 8)

- ग1 – घ1 : रेखा ग्राम टेकाडी में प्लॉट संख्या 540 के उत्तरी-पश्चिम कोने पर स्थित बिन्दु 'ग1' से आरंभ होकर पूर्व दिशा से होती हुई बिन्दु 'घ1' पर मिलती है।
- घ1 – ड.1 : रेखा बिन्दु 'घ1' से आरंभ होकर दक्षिण दिशा में प्लॉट संख्यांक 540, 538 की पूर्वी सीमा से लगकर होती हुई बिन्दु 'ड.1' पर मिलती है।
- ड.1 – ग1 : रेखा बिन्दु 'ड.1' से आरंभ होकर पश्चिम दिशा से होती हुई फिर उत्तर दिशा में प्लॉट संख्यांक 538, 540 की उत्तरी दिशा से लगकर होती हुई आरंभिक बिन्दु 'ग1' पर समाप्त होती है।

(भाग – 9)

- च1 : यह भाग ग्राम टेकाडी में एकमात्र प्लॉट संख्या 581 को समाविष्ट करता है।

(भाग – 10)

- छ1-ज1-झ1: रेखा ग्राम टेकाडी में बिन्दु 'छ1' से आरंभ होकर पूर्व दिशा में प्लॉट संख्या 493 की उत्तरी सीमा से लगकर होती हुई बिन्दु 'ज1' से होती हुई फिर दक्षिण दिशा में प्लॉट संख्या 493 में से होकर बिन्दु 'झ1' पर मिलती है।
- झ1'-ज1-छ1: रेखा ग्राम टेकाडी में बिन्दु 'झ1' से आरंभ होकर पश्चिम दिशा में प्लॉट संख्या 493 की दक्षिण सीमा से लगकर होती हुई बिन्दु 'ज1' से होकर उत्तर दिशा में प्लॉट संख्या 493 की पश्चिमी सीमा से लगकर होती हुई आरंभिक बिन्दु 'छ1' पर मिलती है।

(भाग – 11)

- ट1 – ठ1 : रेखा ग्राम टेकाडी में बिन्दु 'ट1' से आरंभ होकर दक्षिण-पूर्व दिशा में प्लॉट संख्यांक 635, 634/3 की उत्तरी सीमा से लगकर होती हुई बिन्दु 'ठ1' पर मिलती है।
- ठ1 – ड1 : रेखा बिन्दु 'ठ1' से आरंभ होकर दक्षिण दिशा में प्लॉट संख्यांक 634/3, 635, 632, की पूर्वी दिशा से होकर फिर पूर्व दिशा में प्लॉट संख्या 626, 625/1 बाह्य सीमा से लगकर होती हुई, फिर दक्षिण दिशा में होती हुई बिन्दु 'ड1' पर मिलती है।
- ड1 – ढ1 : रेखा ग्राम टेकाडी में बिन्दु 'ड1' से आरंभ होकर पश्चिम दिशा में प्लॉट संख्यांक 625/1, 625/2, 627/1, 627/2, 627/3 की दक्षिण सीमा से लगकर होती हुई बिन्दु 'ढ1' पर मिलती है।
- ढ1 – ण1 : रेखा बिन्दु 'ढ1' से आरंभ होकर प्लॉट संख्यांक 627/1, 627/2, 627/3, 629, 636/3ब की बाह्य सीमा से लगकर होती हुई फिर उत्तर दिशा में ग्राम टेकाडी और ग्राम गोंडेगांव की सम्मिलित ग्राम सीमा से लगकर होती हुई बिन्दु 'ण1' पर मिलती है।

ण1 – ट1 : रेखा बिन्दु 'ण1' से आरंभ होकर पूर्व दिशा में प्लॉट संख्यांक 636/3अ/1, 636/3अ/2, 636/3ब की उत्तरी सीमा से लगकर होती हुई फिर उत्तर दिशा में प्लॉट संख्या 635 की पश्चिम सीमा से लगकर होती हुई आरंभिक बिन्दु 'ट1' पर मिलती है।

(भाग – 12)

त1 : यह भाग ग्राम टेकाडी में एकमात्र प्लॉट संख्या 624/2 को समाविष्ट करता है।

[फा. सं. 43015/09/2020-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 30th June , 2020

S.O. 474.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And whereas, the plan bearing number C-I(E)/III/FR/949/0919, dated the 19th September, 2019 of the area described in the said Schedule can be inspected at the office of the Western Coalfields limited (Revenue Department), Coal Estate, Civil Lines, Nagpur- 440 001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute Limited , Gondwana Palace, Kanke Road, Ranchi – 834 001 or at the office of the Coal Controller, 1, Council House Street, Kolkata – 700 001 or at the office of the District Collector, District Nagpur (Maharashtra).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from land described in the said Schedule .

2. Any person interested in the land described in the said Schedule may –

- (i) object to the acquisition of the whole or any part of the land, or of any right in or over such land ; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act ; or
- (iii) claim compensation under sub-section (1) of section 13 of the said Act in respect of prospecting license ceasing to have effect or under sub-section (4) of section 13 of the said Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act,

by sending it to the Office of the Area General Manager, Western Coalfields Limited, Nagpur Area, Post Office Jaripatka, Tahsil Nagpur, District Nagpur (Maharashtra) or Head of Department/Chief Manager (Land and Revenue), Western Coalfields Limited, Land and Revenue Department, Coal Estate, Civil Lines, Nagpur – 440 001 (Maharashtra) within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Amalgamated Inder-Kamptee Deep Opencast Mine
Nagpur Area
District Nagpur (Maharashtra)

[Plan bearing number C-I(E)/III/FR/949/0919, dated the 19th September, 2019]

Sl. No.	Name of Village	Patwari circle number	Tahsil	District	Description of land			Total (in hectares)	Remarks
					Tenancy	Govt.	Forest		
Part I	Kandri	15A	Parseoni	Nagpur	9.53	5.36	0.00	14.89	Part
Part II	Kandri	15A	Parseoni	Nagpur	0.90	0	0.00	0.90	Part
Part III	Kandri	15A	Parseoni	Nagpur	7.68	0.56	0.00	8.24	Part
Part IV	Tekadi	14	Parseoni	Nagpur	1.46	0	0.00	1.46	Part
Part V	Tekadi	14	Parseoni	Nagpur	17.22	1.85	0.00	19.07	Part
Part VI	Tekadi	14	Parseoni	Nagpur	0.71	0.05	0.00	0.76	Part
Part VII	Tekadi	14	Parseoni	Nagpur	1.57	0	0.00	1.57	Part
Part VIII	Tekadi	14	Parseoni	Nagpur	0.54	0	0.00	0.54	Part
Part IX	Tekadi	14	Parseoni	Nagpur	0.01	0	0.00	0.01	Part
Part X	Tekadi	14	Parseoni	Nagpur	0	2.02	0.00	2.02	Part
Part XI	Tekadi	14	Parseoni	Nagpur	12.17	0	0.00	12.17	Part
Part XII	Tekadi	14	Parseoni	Nagpur	0.40	0	0.00	0.40	Part
Total :								62.03	

Total Area : 62.03 hectares (approximately) or 153.28 acres (approximately)

Plot numbers within acquisition of boundary:

Part I

Village Kandri : 27, 28/1(Part)- 28/2 (Part), 29(Part), 32/1(Part), 33/2 (Part), 33/1- 33/3, 40 (MIDC), 333(Part) (MIDC), Government land (Part).

Part II

Village Kandri : 32/2

Part III

Village Kandri : 11/1A(Part)- 11/1B (Part), 13/1 (Part), 317, 318/1- 318/2, 326/1, Government land (Part).

Part IV

Village Tekadi (Gondegaon) : 593.

Part V

Village Tekadi (Gondegaon) : 597 (Part), 603/1/A- 603/1/B- 603/2A- 603/2B, 605/1- 605/2- 605/3, 606/1- 606/2, 607/1- 607/2- 607/2A, 609/1A- 609/1B, 609/2, 610/1A- 610/1B- 610/2- 610/3A- 610/3B- 610/4, 623/3, Government land (Part).

Part VI

Village Tekadi (Gondegaon) : 588/1, Government land (Part) .

Part VII

Village Tekadi (Gondegaon): 529, 532, 587(Part)

Part VIII

Village Tekadi (Gondegaon): 538/1- 538/2- 538/3- 538/4- 538/5- 538/6- 538/7, 540, 543, 544, 545, 546.

Part IX

Village Tekadi (Gondegaon): 581.

Part X

Village Tekadi (Gondegaon): 493 (MIDC)(Part).

Part XI

Village Tekadi (Gondegaon): 625/1- 625/2, 626, 627/1-627/2- 627/3, 629, 630, 631, 632, 634/3, 635, 636/3A/1- 636/3A/2- 636/3B.

Part XII

Village Tekadi (Gondegaon) : 624/2.

Boundary description:

(PART – I)

A – B : Line starts from Point ‘A’ on common boundary of village Tekadi and Kandri, passes in South-East direction along the south bank of Nallah in village Kandri and meets at Point ‘B’ on the bank of Nallah.

B – C – D : Line starts from Point ‘B’ on the bank of Nallah passes in South direction along the outer boundary of plot numbers 40, 33/1, passes through Point ‘C’ then passes in South direction and meets at Point ‘D’ on the West side of road in village Kandri.

D – E – A : Line starts from Point ‘D’, passes in West direction along the outer boundary of plot number 27 passes through point ‘E’, then passes in North-East direction through plot number 333 crosses the road, then passes along the common boundary of village Tekadi and Kandri in North-East direction and ends at starting point ‘A’ on common village boundary of village Kandri and Tekadi.

(PART – II)

F–G–H–F : Line starts from point ‘F’ passes through point ‘G’ and ‘H’ encompassing single plot number 32/2 in village Kandri and ends at point ‘F’.

(PART – III)

- I – J : Line starts from Point 'I' in village Kandri, passes in South-East direction crosses the road passes along the outer boundary of plot number 12, continues South-East direction, then passes in South direction along the bank of Nallah and meets at Point 'J' in village Kandri.
- J – K : Line starts from Point 'J' passes in North-West direction, then passes along the outer boundary of plot number 13/1, crosses the road and meets at Point 'K' in village Kandri.
- K – I : Line starts from Point 'K' in village Kandri passes along the West boundary of plot number 326/1 in North direction crosses the road and ends at starting Point 'I' in village Kandri.

(PART – IV)

- L–M–N–L : Line starts from Point 'L' passes through point 'M' and 'N' encompassing single plot number 593 in village Tekadi and ends at point 'L'

(PART – V)

- O – P : Line starts from Point 'O' in village Tekadi, passes in East direction then passes in South direction along the outer boundary of plot numbers 605/1, 605/2, 605/3, then turn in East passes through plot no. 604 and meets at Point 'P'.
- P – Q : Line starts from Point 'P', passes in West direction, then passes in South direction along the outer boundary of plot numbers 603/1/A, 603/1/B, 603/2/A, 603/2/B and meets at Point 'Q' in village Tekadi.
- Q – R : Line starts from Point 'Q', passes along the outer boundary of plot numbers 603/1/A, 603/1/B, 603/2/A, 603/2/B then passes in West direction along the outer boundary of plot numbers 601/1, 601/2, 607/1, 607/2 and meets at Point 'R' in village Tekadi.
- R – S : Line starts from Point 'R', passes along the outer boundary of plot numbers 607/1, 607/2 then passes in North-West direction along the outer boundary of plot numbers 609/1A, 609/1B, 609/2 and meets at Point 'S' on the East boundary of road.
- S – T : Line starts from Point 'S' in village Tekadi, passes along East side of the road in South direction, crosses the road and meets at Point 'T' on the West side of the Road.
- T – U : Line starts from Point 'T', passes in North direction along the West side of the road and meets at point 'U' on West side of the road.
- U–V–W–X : Line starts from Point 'U' passes through point 'V' and 'W' along South-West and then North boundary of plot number 623/3 and meets at point 'X' on North-East corner.
- X – O : Line starts from Point 'X' in village Tekadi, crosses the road passes in South direction along the East side of road and ends at starting point 'O' on East side of the road in village Tekadi.

(PART – VI)

- Y – Z - Y : Line starts from Point 'Y' passes through point 'Z' encompassing single plot no. 588/1 in village Tekadi and ends at starting point 'Y'.

(PART – VII)

- A1 – B1 : Line starts from Point 'A1' in village Tekadi, passes in east direction along the North boundary of plot number 532, then in south-east direction along the outer boundary of plot numbers 529, 587 and meets at point 'B1' on corner of plot number 587.
- B1 – A1: Line starts from Point 'B1', passes through plot number 587 in South-West direction then passes along the outer boundary of plot number 532 and ends at starting Point 'A1' in village Tekadi.

(PART – VIII)

- C1 – D1 : Line starts from point 'C1' on North-West corner of plot number 540 passes in east direction along the road and meets at point 'D1'.
- D1 – E1 : Line starts from point 'D1' passes in South direction along the Eastern boundary of plot numbers 540, 538 and meets at point 'E1'.
- E1 – C1 : Line starts from point 'E1' passes in West direction then in North direction along the Western boundary of plot numbers 538, 540 and ends at starting point 'C1'.

(PART – IX)

- F 1: Encompasses the small plot number 581 in village Tekadi.

(PART – X)

- G1 – H1 – I1 : Line starts from Point 'G1' in village Tekadi, passes in East direction along the North boundary of plot number 493 passes through point 'H1' then passes in South direction through plot number 493 and meets at point 'I1'.
- I1 – J1 – G1 : Line starts from Point 'I1' passes in West direction along the South boundary of plot number 493, passes through Point 'J1', then passes in North direction along the West boundary of plot number 493 and ends of starting Point 'G1'.

(PART – XI)

- K1 – L1 : Line starts from Point 'K1' in village Tekadi, passes in South-East direction along the North boundary of plot numbers 635, 634/3 and meets at Point 'L1'.
- L1 – M1 : Line starts from Point 'L1', passes in South direction along the East boundary of plot numbers 634/3, 635, 632, passes in east direction along the outer boundary of plot no 626, 625/1 then turns in South direction and meets at point 'M1'.
- M1 – N1 : Line starts from Point 'M1', passes in West direction along the South boundary of plot numbers 625/1, 625/2, 627/1, 627/2, 627/3 and meets at point 'N1'.
- N1 – O1 : Line starts from Point 'N1', passes along the outer boundary of plot numbers 627/1, 627/2, 627/3, 629, 636/3B passes in North direction along the common village boundary of village Tekadi and Gondegaon and meets at point 'O1'.
- O1 – K1 : Line starts from Point 'O1', passes in east direction along the north boundary of plot numbers 636/3A/1, 636/3A/2, 636/3/B then passes in north direction along the west boundary of plot number 635 and ends at starting point 'K1'.

(PART – XII)

- P1 : This part encompasses single small plot number 624/2.

[F. No. 43015/09/2020-LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 26 जून, 2020

का. आ. 475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 24/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था।

[सं. एल-12012/192/2000-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 26th June, 2020

S. O. 475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/192/2000-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**DATED : 02ND JUNE, 2020

PRESENT : JUSTICE SMT. RATNAKALA, Presiding Officer

CR 24/2010**I Party**

Sh. R. Srinivasa Rao,
No. 202, 1st Floor,
Maruthi Nivas, 33rd Cross,
Jayanagar 7th Block,
Bangalore - 560082.

II Party

The Dy. General Manager,
State Bank of India, Local Office,
48 Church Street,
Bangalore - 560001.

Appearance

Advocate for I Party : Mr. B. D. Kuttappa

Advocate for II Party : Mr. Ramesh Upadhyaya

AWARD

The Central Government vide Order No. L-12012/192/2000-IR(B-I) dated 24.06.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the action of the Management of State Bank of India, Zonal Office, Church Street, Bangalore in terminating the services of Sh. R. Srinivasa Rao is legal and justified? If not, what relief he is entitled to?”

1. The 1st Party workman joined the service of the 2nd Party Bank in the year 1980 and was working as a Teller in Bangalore Branch as on 22.05.1999, the date on which he was dismissed from service on certain allegations having proved against him in a Departmental Enquiry. He denies having committed any misconduct as alleged in the Charge Sheet. He challenges the procedure of Enquiry so also the Enquiry Report. He claims that the Enquiry Officers were predetermined and the Enquiry Report is totally perverse; the Disciplinary

Authority and Appellate Authority mechanically confirmed the findings of the Enquiry Officer and punishment is awarded. They have not considered his excellent past records. After dismissal he is unemployed and has a large family to maintain.

2. The 2nd Party in their statement denied the above allegations and justified their action taken against him.

3. On the basis of the rival contentions touching the validity of the Domestic Enquiry, a Preliminary Issue was raised, tried and adjudicated vide order dated 07.08.2013 holding that,

“The Domestic Enquiry conducted against the 1st Party by the 2nd Party is not fair and proper”.

4. Thereafter, the 2nd Party was called upon to adduce evidence on the merits of the case. Unfortunately, so far they have not taken interest to prove the charges on basis of which the 1st Party workman was terminated from service. In the above circumstance it is inevitable to answer the referred issue in the negative, to hold that, the action of the Management of SBI of Zonal office, church street, Bangalore in terminating the service of Sh. Srinivasa Rao is not legal.

5. The workman has crossed the age of superannuation long back, hence, monetary compensation towards the years of service lost in view of the above Dismissal Order is the relief for him. He has not placed evidence to appreciate that subsequent to his dismissal, he was unemployed and without any income. In that view of the matter, back wages at the rate of 60% from the date of dismissal till the date of his superannuation by considering him as on continuous duty is the appropriate relief.

AWARD

The reference is accepted.

The punishment Order imposed on workman vide order dated 22.05.1999 is not legal.

The 2nd Party is directed to treat the 1st Party workman Sh. R. Srinivasa Rao as on duty continuously till he attained superannuation and pay him the back wages at the rate of 60% from 22.05.1999 till the date of his superannuation within 60 days from the date of publication of the Award, lest the amount shall carry future interest at 6% per annum.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 02nd June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 30/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था ।

[सं. एल-12012/66/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/66/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**DATED : 08TH JUNE, 2020**PRESENT** : JUSTICE SMT. RATNAKALA, Presiding Officer**CR 30/2010****I Party**

Sh. Thimmappa,
S/o Sh. Durgappa,
R/o Kasavanahalli,
Topurmalige Post,
Taluk & Distt-
Chitradurga - 577524.

II Party

The Assistant General
Manager- III, State Bank of India,
Regional Office No. 6, 199,
Mandipet,
Distt – Davanagere - 577001.

Appearance

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/66/2009-IR(B-I) dated 18.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication:

“Whether the claim of Sh. Thimmappa S/o Sh. Durgappa for regularization against the management of State Bank of Mysore, Davangere, is legal and justified? If not, to what relief the workman is entitled?”

1. Vide order dated 02.02.2011, the Schedule was amended as follows;

“Whether the action of the management of State Bank of Mysore Chitradurga/Davangere in terminating the services of Sh. D. Thimmappa w.e.f. 30.07.1998 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erst while 'State Bank of Mysore' presently 'State Bank of India') w.e.f. 02.04.1991 as Attender / Peon; he studied upto SSLC; he continuously worked for more than 8 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 3,500/- per month; while disbursing his salary his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; his signature was obtained on attendance register; he was illegally terminated w.e.f 30.07.1998; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of 'the Act'. While removing him from service they have not followed the rule of 'last come first go', he is victimised and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman, being Senior has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj who is junior to him; it is a clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in W.P No. 39806/2003 seeking regularisation of service held by him. Said Writ petition was disposed vide order dated 03.01.2006 observing to utilise alternative efficacious remedy by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members he is starving.

3. The claim is contested and allegation is denied. It is contended that, the dispute is raised after a delay of 13 years from the alleged termination and the claim is liable to be rejected on the ground of inordinate delay. He was a temporary / casual worker and his service came to an end when a temporary need for the work ended; he has not worked continuously for 240 days or more between any block of 12 months particularly in 12 months preceding 30.07.1998. It is now established Law that temporary / casual employees cannot be regularised, since it violates Article 14 and 16 of Constitution of India 1950. They shall face open recruitment with others

whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of 'the Act'.

4. Both parties placed their respective evidence oral / documentary.

5. The 1st Party while reiterating his claim alleged that he is discriminated by the 2nd Party, persons who joined the 2nd Party subsequent to him were retained and regularised the service. He quoted the example of Sh. Nagaraj who joined service subsequent to him, who was regularised in service. Among other things, he has produced his salary certificate pertaining to the period 01.12.1992 to 01.06.1993, appointment Order dated 02.12.1993 and service certificates.

During further course of evidence, he produced documents they Ex W-13 to Ex W-17 pertaining to three employees who are in service of the 2nd Party but did not explain the relevancy of those documents to his case. However, they are all uncertified Photostat copies and their origin is not explained.

During his cross examination, he admits that in the year 1991, he joined as temporary employee / Attender / Peon at Chitradurga Branch, and has completed S.S.L.C - his service used to be availed whenever the regular employees proceeded on leave or remained absent. He further admits that he was not sponsored by Employment Exchange for the employment. Sh. M.G. Nagaraj had worked with him from January 1985 to March 1994 at Kowl Bazaar Branch at Bellary - his name was appearing in Hubli Zone list between 1991 to 1994 he has not worked continuously for 240 days - he had worked for 90 days in 1985, 120 days in 1993 and was called for interview - the Bank prepared District wise list of selected candidates and Nagaraj name was in the Bellary District list.

6. Rebuttal evidence was adduced by the 2nd Party by examining their Manager (Accounts). It was categorically stated that he was appointed on temporary basis; he was engaged whenever permanent employees went on leave or remained absent; he had not worked continuously for 240 or more days during any block of 12 months and particularly 12 months preceding 30.07.1998.

The witness brought on record three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991 (Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who worked between 01.11.1984 to 31.12.1989 on full time or part time basis and who have served for a minimum period of 90 days and fulfil the eligibility criteria like age / education qualification will be given opportunity for appearing in the interview. The selected candidates will be absorbed against approved permanent vacancies in the cadre of subordinate Staff. Ex M-2 pertains to appointment of Sub Staff vide this circular the 2nd Party extended opportunity to temporary employees who had completed 90 days of temporary service prior of 31.10.1984 but have not availed opportunity of interview and the employees who were not selected in the earlier interview and once again completed 90 days of temporary service after 31.10.1984 upto 31.12.1989. Under Ex M-3, procedure was laid down for appointment of temporary sub staff; the education qualification prescribed was, minimum 8th pass and SSLC fail (non-matriculation) the age limit was 18-26 years was on the date of appointment - their names have to be sponsored through Employment Exchange. Ex M-4 is the Paper publication dated 11.09.1991 whereby the 2nd Party called applications for permanent posts both from temporary employees who had worked for 90 days or more between 01.01.1982 to 31.10.1984 and 01.11.1984 to 31.12.1989.

The witness has averred that, the Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre. The 1st Party was called for interview; he was not selected since his name was not sponsored through Employment Exchange. The selection procedure for absorption of temporary employees to permanent cadre is, for general candidate cut off marks was 40 marks out of 76 marks and for SC/ST candidates 36 was the cut off marks; for every completed year of service one mark was added; list of eligible candidates was prepared District wise; those who fulfilled the requirements as per the circulars and had education qualification and were sponsored by Employment Exchange were selected in the interview and their names were shown in the list prepared and offer of appointment was issued to them. Ex M-5 is the Order listing the eligible candidates wherein the procedure of selection is annexed to the said Order.

The Certified Copy of the rating sheet / marks scored in the interview held on 23.11.1991 by the candidates is marked as Ex M-6. The 1st Party's education qualification is mentioned as SSLC and he has scored 38 marks which is less than the cut off mark; at the remarks column it has shown that *he has passed SSLC in 1988*. The SSLC marks card of Sh. M.G. Nagaraj and the certificate date 22.12.1994 showing the number of days of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and Ex M-8 respectively. It is averred that Nagaraj was selected in the interview and scored 44 marks; he was qualified with

eligibility criteria and was issued appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

The witness further produced Ex M-10 a general circular No. 182/2002-03 dated 29.01.2003 whereby the period of maintenance and destruction of old record inclusive of attendance register, bonus registers and voucher registers is contemplated. The 2nd Party was necessitated to produce Ex M-10 since the 1st Party insisted for production of original documents.

7. During the cross examination of MW-1, the 1st Party goes to the extent of attacking the veracity of the circulars issued and the very scheme of selection (Ex M-1 to Ex M-6). The tone of cross examination was that the 1st Party has served the 2nd Party continuously for more than 240 days hence, entitled for regularisation of service. But there is no basis for such assumptions and presumptions. That apart, there is no enabling documentary proof for his rendering service continuously for 240 days. He is appointed as temporary / casual employee and there was no question of maintaining his seniority list. It is the case of the 2nd Party that his name since not sponsored by the Employment Exchange Department and he was educationally overqualified than the prescribed criteria and scored less than the cut off mark of 40, he was not selected. There is no credible documentary proof from the 1st Party to contradict the above assertion. His allegation in respect of appointment of SH. M.G. Nagaraj is without basis and he is unable to nullify the documentary proof Ex M-7 to EX M-9. It is established that Sh. Nagaraj is appointed since, he was SSLC fail candidate and he had scored 44 marks (as at Ex M-6 Sl. No. 16 Roll NO. 2069) as per the Scheme and is from different zone. The 1st Party is not senior to M. G Nagaraj who is from Bellary list (the 1st Party is from Chitradurga District).

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 30.07.1998 does not fall within the four walls of Retrenchment defined by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. His claim for regularisation of service is without any basis or justification.

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 08th June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 31/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था ।

[सं. एल-12012/67/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/67/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**DATED : 04TH JUNE, 2020**PRESENT** : JUSTICE SMT. RATNAKALA, Presiding Officer**CR 31/2010****I Part**

Sh. D. Tippeswamy,
S/o Sh. Durgappa,
Jajpur (PO), Taluk: Challakeri,
Distt – Chitradurga – 577522, (KN)

II Party

The Assistant General
Manager III, State Bank of India,
Regional Office No. 6, 199,
Mandipet, Distt –
Davanagere - 577001, (KN)

Appearance

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/67/2009-IR(B-I) dated 19.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication:

“Whether the claim of Sh. D. Tippeswamy for regularization against the management of State Bank of Mysore, Davangere is legal and justified? If not, to what relief the workman is entitled?”

2. Subsequently, vide order dated 02.02.2011, the Schedule was amended as follows;

“Whether the action of the management of State Bank of Mysore Chitradurga / Davangere in terminating the services of Sh. D. Thippeswamy w.e.f. 1.09.1993 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erstwhile State Bank of Mysore presently State Bank of India) w.e.f. May 1980 as Attender / Peon; he continuously worked for more than 3 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 2,000/- per month; while disbursing his salary his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of 'the Act'. While removing him from service, they have not followed the rule of last come first go; he is victimised and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman being Senior, has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj, who is junior to him; it is the clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in W.P No. 39806/2003 seeking regularisation of service held by him. Said Writ Petition was disposed vide Order dated 03.01.2006 observing to utilise alternative efficacious remedy by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members, he is under starvation.

3. The claim is contested and allegation is denied. It is contended that, he was a temporary/casual worker and his service came to an end when a temporary need for a work ended; he has not worked continuously for 240 days or more between any block of 12 months, particularly in 12 months preceding 01.09.1993. After an inordinate delay, he has raised the dispute and there is no question of illegal retrenchment or termination. It is now established Law that temporary / casual employees cannot be regularised since it violates Articles 14 and 16 of the Constitution of India, 1950. They shall face open recruitment with others whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of 'the Act'.

4. Both parties placed their respective evidence oral / documentary.

5. During his cross examination, the 1st Party admits the suggestion that services were availed whenever the regular employees were on leave or remained absent - he has no documentary proof regarding payment of bonus or receiving salary of Rs. 1500/- per month. He admits a circular was issued on 21.04.1991 to give appointment to those who worked for 90 days between 01.11.1984 to 31.12.1989 – similar circular was issued on 03.09.1991; as per the circular the age limit was 18-26 years and education qualification was 8th pass / SSLC fail - He was not sponsored by Employment Exchange for being employed in the 2nd Party Bank –Sh. M.G. Nagaraj was working at Kowl Bazaar Branch at Bellary between January 1985 to March 1994 – he had worked for 90 days in the year 1985 and 120 days in 1983 and was called for interview – his education is SSLC fail – he was sponsored by Employment Exchange and was selected in interview – but the witness was not called for interview (he has studied upto PUC) – he has not worked for more than 240 days in any years and his service is not terminated.

Rebuttal evidence was adduced by the 2nd Party by examining its Official denying the case of the 1st Party. It was categorically stated that, the 1st Party workman was not terminated w.e.f. 01.09.1993 as he was appointed only on temporary basis. The witness brought on record the Scheme formulated by the 2nd Party by way of three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991(Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who work between 01.11.1984 to 31.12.1989 on full time or part time basis and who have completed 90 days and fulfil the eligibility criteria like age / education qualification will be given opportunity for appearing in the interview; the selected candidates will be absorbed against approved permanent vacancies in the cadre of Subordinate Staff. Under Ex M-2 temporary employees who have completed the service prior to 31.10.1984 and who have not availed opportunity of the interview and those who though interviewed and not selected and once again completed 90 days of service after 31.10.1984 upto 31.12.1989 were called upon to submit application to the Branch; if they had worked and the Branches forwarded the same to the Head Office, Bangalore. Under Ex M-3, the qualification prescribed as temporary appointment for Peons is minimum 8th pass and SSLC fail (non-matriculation) the age limit was 18-26 years was on the date of appointment – their names have to be sponsored through Employment Exchange. Ex M-4 is the Paper publication dated 11.09.1991 issued by the 2nd Party, calling for application from temporary employees who had worked 90 days or more between 01.01.1982 to 31.10.1984 and who were not able to apply to the post during the recruitment conducted during 1987. The Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre.

6. It is further averred by MW-1 that, the 1st Party completed SSLC in the year 1985 and studied PUC and is higher than required eligibility criteria; Appointment Order was issued to such of the candidates who fulfilled the requirements as per the above circulars and who were sponsored through Employment Exchange and who were selected in the interview. The SSLC marks card of Sh. M.G. Nagaraj and the Certificate date 22.12.1994 showing the number of days of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and Ex M-8. It is averred that Sh. Nagaraj was selected in the interview and he scored 44 marks; he was qualified with eligibility criteria and was issued Appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

7. During the cross examination of MW-1, the 1st Party goes to the extent of attacking the legality of the circulars. The tone of cross examination is with presupposition that the 1st Party has served the 2nd Party continuously for more than 240 days and becomes entitled for regularisation of service but there is no basis for such assumptions and presumptions. He has categorically admitted that he has not worked for 240 days or more in a calendar year preceding 01.09.1993 when his temporary / casual employment came to an end. On his own admission, his engagement was on need basis. He was educationally over qualified to be called for interview. They had not maintained the list of casual / temporary employees and his allegation that he was senior to Sh. M. G Nagaraj who is appointed as per Ex M-9 and is discriminated from him is baseless since said Sh. Nagaraj is from Bellary list and 1st Party workman is from Chitradurga District.

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 01.09.1993 does not fall within the category of Retrenchment defined by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. He was not qualified for selection to the permanent post, hence, his claim for regularisation of service is without any basis or justification.

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 04th June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 32/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था ।

[सं. एल-12012/68/2009-आईआर (बी-1)]

बी. एस. बिश्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/68/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**DATED : 04TH JUNE, 2020**PRESENT** : JUSTICE SMT. RATNAKALA, Presiding Officer**CR 32/2010****I Party**

Sh. D. Omkarmurthy,
S/o Sh. Doddappa,
R/o H. No. 3686/28,
Shiddaveerappa Extension,
MCC Block,
Davangere - 577004.

II Party

The Assistant General
Manager III, State Bank of India,
Regional Office No. 6, 199,
Mandipet,
Distt – Davangere - 577001.

Appearance

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/68/2009-IR(B-I) dated 19.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the claim of Sh. D. Omkarmurthy for regularization against the management of State Bank of Mysore, Davangere is legal and justified? If yes, to what relief the workman is entitled?”

3. Subsequently, vide order dated 02.02.2011, the Schedule was amended as follows,

“Whether the action of the management of State Bank of Mysore Chitradurga / Davangere in terminating the services of Sh. D. Omkarmurthy w.e.f. 01.12.1994 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erstwhile State Bank of Mysore presently State Bank of India) w.e.f. 1991 as Attender / Peon; he continuously worked for more than 8 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 3,500/- per month; while disbursing his salary his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of 'the Act'. While removing him from service they have not followed the rule of last come first go, he is

victimised and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman being Senior has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj who is junior to him; it is the clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in W.P No. 39806/2003 seeking regularisation of service held by him. Said Writ Petition was disposed vide order dated 03.01.2006 observing to utilise alternative efficacious remedy by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members he is under starvation.

3. The claim is contested and allegation is denied. It is contended that, he was a temporary / casual worker and his service came to an end when a temporary need for a work ended; he has not worked continuously for 240 days or more between any block of 12 months particularly in 12 months preceding 01.12.1994. After an inordinate delay, he has raised the dispute and there is no question of illegal retrenchment or termination. It is now established Law that temporary / casual employees cannot be regularised since it Violates Articles 14 and 16 of the Constitution of India 1950. They shall face open recruitment with others whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of 'the Act'.

4. Both parties placed their respective evidence oral / documentary.

5. During his cross examination, the 1st Party admits the suggestion in the year 1991-92 he worked as temporary Sub-Staff in Chitradurga Branch for 90 days and another 90 days between 16.11.1992 to 31.05.1993 - he passed SSLC in the year 1991 - he has no documentary proof regarding payment of bonus or receiving salary of Rs. 3,500/- per month - he identifies the staff circular given by the 2nd Party dated 21.04.1991 / Ex M-1 directing the Branches to obtain application from the eligible temporary Sub-Staff for appointment of temporary subordinate staff who had put in a min 90 days service between 01.11.1984 to 31.12.1989. He admits another circular was issued on 30.09.1991 giving one more opportunity to such employees; as per those circulars age limit was 18-26 years and the education qualification was 8th Pass / SSLC fail - Sh. M.G. Nagaraj was working at Kowl Bazaar Branch at Bellary between January 1985 to March 1994 - he had worked for 90 days in the year 1985 and 120 days in 1983 and was called for interview - his name was not appearing in Chitradurga Zone list between 1991 to 1994 - he has not worked continuously for 240 days.

Rebuttal evidence was adduced by the 2nd party by examining its Official denying the case of the 1st Party. It was categorically stated that, the 1st Party workman was not terminated w.e.f. 01.12.1994 as he was appointed only on temporary basis. The witness brought on record the Scheme formulated by the 2nd Party by way of three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991(Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who work between 01.11.1984 to 31.12.1989 on full time or part time basis and who have completed 90 days and fulfil the eligibility criteria like age / education qualification will be given opportunity for appearing in the interview; the selected candidates will be absorbed against approved permanent vacancies in the cadre of subordinate Staff. Under Ex M-2 temporary employees who have completed the service prior to 31.10.1984 and who have not availed opportunity of the interview and those who though interviewed and not selected and once again completed 90 days of service after 31.10.1984 upto 31.12.1989 were called upon to submit application to the Branch, if they had worked and the Branches forwarded the same to the Head Office, Bangalore. Under Ex M-3, the qualification prescribed as temporary appointment for Peons is minimum 8th pass and SSLC fail (non-matriculation) the age limit was 18-26 years was on the date of appointment - their names have to be sponsored through Employment Exchange. Ex M-4 is the Paper publication dated 11.09.1991 issued by the 2nd Party with regard to absorption of temporary employees calling for application from temporary employees who had worked 90 days or more between 01.01.1982 to 31.10.1984 and who were not able to apply to the post during the recruitment conducted during 1987. The Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre.

6. It is further averred by MW-1 that, the 1st Party completed SSLC in the year 1991 and his education qualification is higher than the required eligibly criteria; Appointment Order was issued to such of the candidates who fulfilled the requirements as per the above circulars and who were sponsored through Employment Exchange and who were selected in the interview. The SSLC marks card of Sh. M.G. Nagaraj and the certificate date 22.12.1994 showing the number of days of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and EX M-8. It is averred that Sh. Nagaraj was selected in the interview and he scored 44 marks; he was qualified with eligibility criteria and was issued Appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

7. During the cross examination of MW-1, the 1st Party goes to the extent of attacking the procedure and fairness of the interview. The tone of cross examination is with the presupposition that the 1st Party has served the 2nd Party continuously for more than 240 days and becomes entitled for regularisation of service but there is no basis for such assumptions and presumptions. That apart, WW-1 himself admits that he has not worked continuously for more than 240 days between 1991-1994. On his own admission, his engagement was on need basis. He was educationally over qualified to be called for interview. They had not maintained the list of casual / temporary employees and his allegation that he was senior to Sh. M. G Nagaraj who is appointed as per Ex M-9 and is discriminated from him is baseless since said Sh. Nagaraj is from Bellary list and 1st Party workman is from Chitradurga District.

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 01.12.1994 does not fall within the category of Retrenchment defined by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. He was not sponsored by Employment Exchange and was not entitled to be called for interview for regularisation of service in permanent post. Hence, his claim for regularisation of service is without any basis or justification

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 04th June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 33/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था।

[सं. एल-12012/69/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/69/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 11TH JUNE, 2020

PRESENT : JUSTICE SMT. RATNAKALA, Presiding Officer

CR 33/2010

I Party

Sh. Mohammed Salahuddin,
R/o Kerebilachi Post,
Taluk Channagiri,
Distt Davangere,
DAVANGERE – 577218.

II Party

The Assistant General Manager III,
State Bank of India,
Regional Office No. 6,
199, Mandipet,
Distt Davanagere - 577001.

Appearance

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/69/2009-IR(B-I) dated 19.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the claim of Sh. Mohd. Salahuddin for regularization against the management of State Bank of Mysore, Davangere is legal and justified? If yes, to what relief the workman is entitled?”

1. Vide order dated 02.02.2011, the Schedule was amended as follows,

“Whether the action of the management of State Bank of Mysore in terminating the services of Sh. Mohammed Salahuddin w.e.f. 30.07.1997 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erstwhile 'State Bank of Mysore' presently 'State Bank of India') w.e.f. May 1980 as Attender / Peon; he studied upto SSLC; he continuously worked for more than 10 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 3,000/- per month; while disbursing his salary his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; his signature was obtained on attendance register; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of 'the Act'. While removing him from service they have not followed the rule of 'last come first go', he is victimised and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman being Senior, has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj who is junior to him; it is a clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in WP 39806/2003 seeking regularisation of service held by him. Said Writ petition was disposed vide order dated 03.01.2006 observing to utilise alternative efficacious remedy by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members he is starving.

3. The claim is contested and allegation is denied. It is contended that, the dispute is raised after a delay of 14 years from the alleged termination dated 30.07.1997 and the claim is liable to be rejected on the ground of inordinate delay. He was a temporary / casual worker and his service came to an end when a temporary need for the work ended; he has not worked continuously for 240 days or more between any block of 12 months particularly in 12 months preceding 30.07.1997. It is now established Law that temporary / casual employees cannot be regularised, since it violates Article 14 and 16 of Constitution of India 1950. They shall face open recruitment with others whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of the ID Act.

4. Both parties placed their respective evidence oral / documentary.

5. The 1st Party workman has produced Certificates pertaining to the period of service rendered by him to the 2nd Party and a attendance certificate detailing his attendance in the month of Feb 1985 and March 1985.

During his cross examination, the 1st Party admits that in the year 1990 - joined as temporary employee in the Kerebelichi Branch, Shimoga District - between 1980-1983, he worked only for 186 days in that Branch (supported by his service certificate / Ex W-1) - between 05.02.1985 to 16.03.1985, he worked for 22 days at Kulambi Branch of the 2nd Party (supported by his service certificate / Ex W-2) - he worked for 62 days between 03.04.1984 to 10.08.1984 at Harihar Branch of the 2nd Party (supported by his service certificate / Ex W-3), for 19 days in October 1996, 27 days in November 1996, 31 days in December 1996, 27 days in January 1997, 24 days in February 1997 at Davangere Branch.

Further admits that he worked for 9 days in April 1997, 2 days in May 1997, 12 days in June 1997 and 8 days in July 1997 at Birur Branch (supported by Ex W-6)

He identifies the Staff Circular given by the 2nd Party dated 21.04.1991 / Ex M-1 directing the Branches to obtain application from the eligible temporary Sub-Staff for appointment of temporary subordinate staff, who had put in a minimum 90 days service between 01.11.1984 to 31.12.1989. He admits another

Circular was issued on 03.09.1991 giving one more opportunity to such employees - as per those circulars age limit was 18-26 years and his name was not sponsored by Employment Exchange - he has attended the interview at Shimoga main Branch, but not selected - Sh. M.G. Nagaraj was working at Kowl Bazaar Branch at Bellary between January 1985 to March 1994 - his name was appearing in Hubli Zone list. He further admitted that between 1991 to 1994 he has not worked continuously for 240 days - he had worked for 90 days in 1985, 120 days in 1993 and was called for interview - he is SSLC fail - the Bank prepared District wise list of selected candidates and Sh. Nagaraj's name was in the Bellary District list. However, the name of the witness did not appear in the Hubli list - presently, he is aged 53 years; his date of birth is 20.07.1959.

6. Rebuttal evidence was adduced by the 2nd Party by examining the Branch Manager of 2nd Party Kerebilichi Branch. It was categorically stated that the 1st Party workman was a temporary / casual worker his service came to an end when temporary work for need ended - he had not worked for 240 or more days during any block of 12 months and particularly 12 months preceding 30.07.1997.

The witness brought on record three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991 (Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who work between 01.11.1984 to 31.12.1989 on full time or part time basis and who have completed 90 days and fulfil the eligibility criteria like age / education qualification, will be given opportunity for appearing in the interview. The selected candidates will be absorbed against approved permanent vacancies in the cadre of subordinate Staff. Under Ex M-2 temporary employees who have completed the service prior to 31.10.1984 and who have not availed opportunity of the interview and those who though interviewed and not selected and once again completed 90 days of service after 31.10.1984 upto 31.12.1989 were called upon to submit application to the Branch, if they had worked and the Branches forwarded the same to the Head Office. Ex M-3, the qualification prescribed as temporary appointment for Peons minimum 8th pass and SSLC fail (non-matriculation) the age limit was 18-26 years was on the date of appointment - their names have to be sponsored through Employment Exchange. He has produced Ex M-4 the Paper publication dated 11.09.1991 issued by the 2nd Party with regard to absorption of temporary employees calling for application from temporary employees who had worked 90 days or more between 01.01.1982 to 31.10.1984 and who were not able to apply to the post during the recruitment conducted during 1987. The Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre.

It is further averred by the witness that, the 1st Party was called for interview; he was not selected since his name was not sponsored through Employment Exchange. The selection procedure for absorption of temporary employees to permanent cadre is, for general candidate cut off marks was 40 marks out of 76 marks and SC/ST candidates 36 marks was the cut off marks; for every completed year of service one mark was added; list of eligible candidates was prepared District wise; those who fulfilled the requirements as per the circulars and had education qualification and were sponsored by Employment Exchange were selected in the interview and their names were shown in the list prepared and offer of appointment was issued to them. Ex M-5 is the Order listing the eligible candidates wherein, the procedure of selection is annexed to the said Order. The Certified Copy of the Rating Sheet / marks scored in the interview held on 23.11.1991 by the candidates is marked as Ex M-6. The SSLC marks card of Sh. M.G. Nagaraj and the certificate dated 22.12.1994 showing the number of days' of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and EX M-8 respectively. It is averred that Sh. Nagaraj was selected in the interview and he scored 44 marks; he was qualified with eligibility criteria and was issued Appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

The witness further produced Ex M-10 / a General Circular No. 182/2002-03 dated 29.01.2003. Whereby, the period of maintenance and destruction of old record inclusive of attendance register, bonus registers and voucher registers is contemplated.

7. During the cross examination of MW-1, the 1st Party goes to the extent of attacking the veracity of the circulars issued and the very Scheme of selection (Ex M-1 to Ex M-6). The tone of cross examination was that, the 1st Party has served the 2nd Party continuously for more than 240 days; hence, entitled for regularisation of service. But there is no basis for such assumptions and presumptions. That apart as per his own admission, he has not worked continuously for more than 240 days between the year 1980 to 30.07.1987 (the date of alleged termination) in any calendar year. His own documents not only divulge that, he has not worked continuously for the period of 240 days in a calendar year but also would corroborate the fact that his engagement was intermittent at various Branches / Divisions of the 2nd Party on need basis. He is temporary / casual employee and there was no question of maintaining his seniority list. His date of birth is 20.07.1959; thus, over aged for selection; as per the guidelines, the age limit was 18-26 years at the time of initial appointment. The eligibility criteria of 90 days of service is between 01.11.1984 to 31.12.1989 but his own documents would not support that between above period he worked continuously for 90 days at any point of time.

It is the case of the 2nd Party that his name since not sponsored by the Employment Exchange Department, he was not selected and there is no documentary proof from his side to contradict the above assertion. His allegation in respect of appointment of SH. M.G. Nagaraj is without basis and he is unable to nullify the documentary proof Ex M-7 to EX M-9 who is appointed as per the Scheme and is from different zone. Since said Sh. Nagaraj is from Bellary list and 1st Party workman is from Davangere District, he cannot be senior to Nagaraj and allegation of discrimination is baseless.

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 30.07.1997 does not fall within the definition of 'Retrenchment' contemplated by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. Having not served continuously for 90 days as on 30.07.1997 as per the eligibility criteria under Ex M-5, his claim for regularisation of service is without any basis or justification.

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 11th June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 34/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था ।

[सं. एल-12012/70/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/70/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 08TH JUNE, 2020

PRESENT : JUSTICE SMT. RATNAKALA, Presiding Officer

CR 34/2010

I Party

Sh. K.V. Hanumanthappa,
R/o Kantapur,
Post: Jankal, Taluk: Hosadurga,
Dist: Chitradurga - 577527.

II Party

The Assistant General
Manager III, State Bank of India,
Regional Office No. 6, 199,
Mandipet,
Distt – Davanagere - 577001.

Appearance

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/70/2009-IR(B-I) dated 19.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the claim of Sh. K.V. Hanumanthappa for regularization against the management of State Bank of Mysore, Davangere, is legal and justified? If yes, to what relief the workman is entitled?”

4. Vide order dated 02.02.2011, the Schedule was amended as follows,

“Whether the action of the management of State Bank of Mysore in terminating the services of Sh. K.V. Hanumanthappa w.e.f. 01.12.1994 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erstwhile 'State Bank of Mysore' presently 'State Bank of India') w.e.f. 1986 as Attender / Peon; he studied upto SSLC; he continuously worked for more than 3 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 2,800/- per month; while disbursing his salary his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; his signature was obtained on attendance register; he was illegally terminated w.e.f 01.12.1994; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of 'the Act'. While removing him from service they have not followed the rule of 'last come first go', he is victimised and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman being Senior has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj who is junior to him; it is a clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in W.P No. 39806/2003 seeking regularisation of service held by him. Said Writ petition was disposed vide order dated 03.01.2006 observing to utilise alternative efficacious remedy by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members he is starving.

3. The claim is contested and allegation is denied. It is contended that, the dispute is raised after a delay of 15 years from the alleged termination and the claim is liable to be rejected on the ground of inordinate delay. He was a temporary / casual worker and his service came to an end when a temporary need for the work ended; he has not worked continuously for 240 days or more between any block of 12 months particularly in 12 months preceding 01.12.1994. It is now established Law that temporary / casual employees cannot be regularised, since it violates Article 14 and 16 of Constitution of India 1950. They shall face open recruitment with others whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of 'the Act'.

4. Both parties placed their respective evidence oral / documentary.

5. The 1st Party workman has produced the interview card of November 1991 received by him, a service certificate dated 16.06.1986 revealing that he has completed 90 days of service, Photostat copy of certificate dated 21.01.1991 that he worked for 62 days during 1986, his salary certificate covering the period 02.12.1985 to 30.03.1988 and another Photostat copy of salary certificate dated 22.03.1991 covering the period 02.12.1985 to 30.03.1988.

During his cross examination, he admits that in the year 1985, he joined as temporary employee / Peon cum Watchman at Chitradurga Branch - later served at Hosadurga Branch - he was born in 1961 - Sh. M.G. Nagaraj was working at Kowl Bazaar Branch at Bellary between January 1985 to March 1994 - his name was appearing in Hubli Zone list between 1991 to 1994 - he has not worked continuously for 240 days - he had worked for 90 days in 1985, 120 days in 1993 and was called for interview - he is SSLC fail - the Bank prepared District wise list of selected candidates and Sh. Nagaraj name was in the Bellary District list.

6. Rebuttal evidence was adduced by the 2nd Party by examining the Chief Manager of 2nd Party, Hosadurga Branch denying the case of the 1st Party. It was categorically stated that the 1st Party workman was appointed on temporary basis which ended on 30.07.1997 - he was engaged whenever permanent employees went on leave or remained absent - he had not worked continuously for 240 or more days during any block of 12 months and particularly 12 months preceding 30.07.1997.

The witness brought on record the three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991 (Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who work between 01.11.1984 to 31.12.1989 on full time or part time basis and who have completed 90 days and fulfil the eligibility criteria like age / education qualification will be given opportunity for appearing in the interview. The selected candidates will be absorbed against approved permanent vacancies in the cadre of subordinate Staff. Under Ex M-2 temporary employees who have completed the service prior to 31.10.1984 and who have not availed opportunity of the interview and those who though interviewed and not selected and once again completed 90 days of service after 31.10.1984 upto 31.12.1989 were called upon to submit application to the Branch, if they had worked and the Branches forwarded the same to the Head Office. Ex M-3, the qualification prescribed as temporary appointment for Peons minimum 8th pass and SSLC fail (non-matriculation) the age limit was 18-26 years was on the date of appointment – their names have to be sponsored through Employment Exchange. Ex M-4 is the Paper publication dated 11.09.1991 issued by the 2nd Party with regard to absorption of temporary employees calling for application from temporary employees who had worked 90 days or more between 01.01.1982 to 31.10.1984 and who were not able to apply to the post during the recruitment conducted during 1987. The Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre.

It was further averred by the witness that, the 1st Party was called for interview, he was not selected since his name was not sponsored through employment exchange. The selection procedure for absorption of temporary employees to permanent cadre is, for general candidate cut off marks was 40 marks out of 76 marks and for SC/ST candidates 36 marks was the cut off marks; for every completed year of service one mark was added; list of eligible candidates was prepared District wise; those who fulfilled the requirements as per the circulars and had education qualification and were sponsored by Employment Exchange were selected in the interview and their names were shown in the list prepared and offer of appointment was issued to them. Ex M-5 is the Order listing the eligible candidates wherein the procedure of selection is annexed to the said Order. The Certified Copy of the rating sheet / marks scored in the interview held on 23.11.1991 by the candidates is marked as Ex M-6. The SSLC marks card of Sh. M.G. Nagaraj and the certificate date 22.12.1994 showing the number of days of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and EX M-8 respectively. It is averred that Sh. Nagaraj was selected in the interview and scored 44 marks; he was qualified with eligibility criteria and was issued appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

The witness further produced Ex M-10 a general circular No. 182/2002-03 dated 28.01.2003. Whereby, the period of maintenance and destruction of old record inclusive of attendance register, bonus registers and voucher registers is contemplated. The 2nd Party was necessitated to produce the above Order since the 1st Party insisted for production of original documents.

7. During the cross examination of MW-1, the 1st Party goes to the extent of attacking the veracity of the circulars issued and the very scheme of selection (Ex M-1 to Ex M-6). The tone of cross examination was that the 1st Party has served the 2nd Party continuously for more than 240 days hence, entitled for regularisation of service. But there is no basis for such assumptions and presumptions. That apart, there is no enabling documentary proof for his rendering service continuously for 240 days. He is temporary / casual employee and there was no question of maintaining his seniority list.

It is the case of the 2nd Party that his name since not sponsored by the Employment Exchange Department, he was not selected and there is no documentary proof from his side to contradict the above assertion. His allegation in respect of appointment of SH. M.G. Nagaraj is without basis, he was appointed as per the Scheme and is from a different zone. He is not senior to Sh. M. G Nagaraj who is appointed as per Ex M-9, said Sh. Nagaraj is from Bellary list and 1st Party workman is from Chitradurga District.

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 01.12.1994 does not fall within the four walls of Retrenchment defined by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. He was not sponsored by Employment Exchange, hence not selected to the Post. His claim for regularisation of service is without any basis or justification.

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 08th June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 35/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था ।

[सं. एल-12012/71/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/71/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**DATED : 12TH JUNE, 2020**PRESENT :** JUSTICE SMT. RATNAKALA, Presiding Officer**CR 35/2010****I Party**

Sh. N. Prakash,
R/o Behind Maruthi Canteen,
Huliyar Circle,
Chitradurga Taluk (KN)
Hosadurga – 577527.

II Party

The Assistant General Manager III,
State Bank of India,
Regional Office No. 6,
199, Mandipet,
Distt – Davanagere - 577001.

Appearance

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/71/2009-IR(B-I) dated 19.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the claim of Sh. N. Prakash for regularization against the management of State Bank of Mysore, Davangere, is legal and justified? If yes, to what relief the workman is entitled?”

5. Vide order dated 02.02.2011, the Schedule was amended as follows:—

“Whether the action of the management of State Bank of Mysore in terminating the services of Sh. N. Prakash w.e.f. 31.12.1996 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erstwhile 'State Bank of Mysore' presently 'State Bank of India') w.e.f. January 1987 as Attender / Peon; he studied upto SSLC; he continuously worked for more than 9 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 2,000/- per month; while disbursing his salary his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; his signature was obtained on attendance register; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of 'the Act'. While removing him from service they have not followed the rule of 'last come first go', he is victimised

and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman being Senior, has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj who is junior to him; it is a clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in WP 39806/2003 seeking regularisation of service held by him. Said Writ petition was disposed vide order dated 03.01.2006 observing to utilise alternative efficacious remedy, by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members he is starving.

3. The claim is contested and allegation is denied. It is contended that, the dispute is raised after a delay of 13 years from the alleged termination and the claim is liable to be rejected on the ground of inordinate delay. He was a temporary / casual worker and his service came to an end when a temporary need for the work ended; he has not worked continuously for 240 days or more, between any block of 12 months particularly in 12 months preceding 31.12.1996. It is now established Law that temporary / casual employees cannot be regularised, since it violates Article 14 and 16 of Constitution of India 1950. They shall face open recruitment with others whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of 'the Act'.

4. Both parties placed their respective evidence oral / documentary.

5. The 1st Party while reiterating his claim alleged that he is discriminated by the 2nd Party, persons who joined the 2nd Party subsequent to him were retained and regularised the service. He quoted the example of Sh. Nagaraj who joined service subsequent to him, but was regularised in service.

Among other things he produced his two Service Certificates / Ex W-3 and Ex W-4 reflecting that he worked for 88 days during 1996 - 99 days during 1994 - 140 days during 1995 - 90 days in the year 1987 - 70 days in the year 1988 - 13 days in the year 1989 - 2 days in the year 1990 - 99 days in the year 1994 - 140 days in the year 1995 and 88 days in the year 1996; he has passed SSLC.

During cross examination he admits that, his name was not sponsored by Employment Exchange; Sh. M.G. Nagaraj was working in the Kowl Bazaar Branch from 1985 to 1994 as temporary peon and was listed in the panel.

6. Rebuttal evidence was adduced by the 2nd Party by examining their Manager (Accounts). It was categorically stated that the 1st Party workman was appointed on temporary basis; he was engaged whenever permanent employees went on leave or remained absent; he had not worked continuously for 240 or more days during any block of 12 months and particularly 12 months preceding 31.12.1996.

The witness brought on record three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991 (Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who worked between 01.11.1984 to 31.12.1989 on full time or part time basis and who have served a minimum period of 90 days and fulfil the eligibility criteria like age / education qualification will be given opportunity for appearing in the interview. The selected candidates will be absorbed against approved permanent vacancies in the cadre of subordinate Staff. Ex M-2 pertains to appointment of Sub Staff vide this circular the 2nd Party extended opportunity to temporary employees who had completed 90 days of temporary service prior of 31.10.1984 but have not availed opportunity of interview and the employees who were not selected in the earlier interview and once again completed 90 days of temporary service after 31.10.1984 upto 31.12.1989. Under Ex M-3, procedure was laid down for appointment of temporary sub staff; the education qualification prescribed was, minimum 8th pass and SSLC fail (non-matriculation) the age limit was 18-26 years was on the date of appointment – their names have to be sponsored through Employment Exchange. Ex M-4 is the Paper publication dated 11.09.1991 whereby the 2nd Party called applications for permanent posts both from temporary employees who had worked for 90 days or more between 01.01.1982 to 31.10.1984 and 01.11.1984 to 31.12.1989.

The witness has averred that, the Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre. The 1st Party was called for interview; he was not selected since his name was not sponsored through Employment Exchange. The selection procedure for absorption of temporary employees to permanent cadre is, for general candidate cut off marks was 40 marks out of 76 marks and for SC/ST candidates 36 marks was the cut off marks; for every completed year of service one mark was added; list of eligible candidates was prepared District wise; those who fulfilled the requirements as per the circulars and had education qualification and were sponsored by Employment Exchange were selected in the interview and their names were shown in the list prepared and offer of appointment was issued to them. Ex M-5 is the Order listing the eligible candidates wherein the procedure of selection is annexed to the said Order.

The Certified Copy of the rating sheet / marks scored in the interview held on 23.11.1991 by the candidates is marked as Ex M-6. The 1st Party's Education Qualification is mentioned as SSLC and he has scored 33 marks, which is less than the cut off mark; at the remarks column it has shown that *he has passed SSLC in 1988*. The SSLC marks card of Sh. M.G. Nagaraj and the certificate date 22.12.1994 showing the number of days of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and EX M-8 respectively. It is averred that Nagaraj was selected in the interview and scored 44 marks; he was qualified with eligibility criteria and was issued appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

The witness further produced Ex M-10 a general circular No. 182/2002-03 dated 29.01.2003 whereby the period of maintenance and destruction of old record inclusive of attendance register, bonus registers and voucher registers is contemplated. The 2nd Party was necessitated to produce Ex M-10 since the 1st Party insisted for production of original documents.

7. During the cross examination of MW1, the 1st Party goes to the extent of attacking the veracity of the circulars issued and the very scheme of selection (Ex M-1 to Ex M-6). The tone of cross examination was that the 1st Party has served the 2nd Party continuously for more than 240 days hence, entitled for regularisation of service. But there is no basis for such assumptions and presumptions. That apart, there is no enabling documentary proof for his rendering service continuously for 240 days. He is appointed as temporary / casual employee and there was no question of maintaining his seniority list. It is the case of the 2nd Party that his name since not sponsored by the Employment Exchange Department and he was educationally overqualified than the prescribed criteria and scored less than the cut off mark of 40, he was not selected. There is no credible documentary proof from the 1st Party to contradict the above assertion. His allegation in respect of appointment of Sh. M.G. Nagaraj is without basis and he is unable to nullify the documentary proof Ex M-7 to EX M-9. It is established that Sh. Nagaraj is appointed since he was SSLC fail candidate and he had scored 44 marks (as at Ex M-6 Sl. No. 16 Roll NO. 2069) as per the Scheme and is from a different zone. 1st Party is not senior to M. G Nagaraj who is appointed from Bellary list (1st Party workman is from Chitradurga District).

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 31.12.1996 does not fall within the four walls of Retrenchment defined by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. His claim for regularisation of service is without any basis or justification.

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 12th June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer

नई दिल्ली, 26 जून, 2020

का. आ. 482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 05/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.06.2020 को प्राप्त हुआ था ।

[सं. एल-12012/65/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 26th June, 2020

S. O. 482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2011) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.06.2020.

[No. L-12012/65/2009-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 8th JUNE, 2020

PRESENT : JUSTICE SMT. RATNAKALA, Presiding Officer**CR 05/2011****I Party**Sh. G. Mallappa,
S/o Sh. Goudappa,
R/o Savantanahapati,
Burujanahatti,
CHITRADURGA.**II Party**The Assistant General
Manager- III, State Bank of India,
Regional Office # 6 - 199,
Mandipet,
Distt – DAVANAGERE.**Appearance**

Advocate for I Party : Mr. S. Ramesh

Advocate for II Party : Mr. N. Venkatesh

AWARD

The Central Government vide Order No. L-12012/65/2009-IR(B-I) dated 18.08.2010 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the claim of Sh. G. Mallappa for regularization against the management of State Bank of Mysore, Davangere, is legal and justified? If yes, to what relief the workman is entitled?”

1. Vide order dated 02.02.2011, the Schedule was amended as follows,

“Whether the action of the management of State Bank of Mysore in terminating the services of Sh. G. Mallappa w.e.f. year 1989 and in not regularizing his services, is legal and justified? To what relief the workman is entitled?”

2. The claim is, the workman joined the service with the 2nd Party Bank (erstwhile 'State Bank of Mysore' presently 'State Bank of India') w.e.f. 1987 as Attender / Peon; he studied upto SSLC; he continuously worked for more than 8 years from 9:00 am to 9:00 pm all the six days a week from the date of his entry into service till he was refused employment; he was given yearly bonus and paid salary Rs. 3,500/- per month; while disbursing his salary, his signature was obtained on a stamped voucher; he has completed his service for more than 240 days in each year; his signature was obtained on attendance register; he was illegally terminated w.e.f. 30.11.1998; he was orally terminated without assigning any reason and without following the mandatory provisions of Sec 25-F of the ID Act. While removing him from service they have not followed the rule of 'last come first go', he is victimised and the 2nd Party has played unfair labour practice. The 2nd Party had maintained a list of employees working in the cadre of 1st Party workman with an intention to absorb them; the 1st Party workman, being Senior has to be considered for absorption but intentionally they omitted him to regularise the service of one Sh. Nagaraj who is junior to him; it is a clear case of individual discrimination. He filed a Writ Petition before the Hon'ble High Court of Karnataka in WP 39806/2003 seeking regularisation of service held by him. Said Writ petition was disposed vide order dated 03.01.2006 observing to utilise alternative efficacious remedy by way of Industrial Dispute. In view of the illegal Termination Order, along with the family members he is starving.

3. The claim is contested and allegation is denied. It is contended that, the dispute is raised after a delay of 15 years from the alleged date of termination during 1989 and the claim is liable to be rejected on the ground of inordinate delay. He was a temporary / casual worker and his service came to an end when temporary need for the work ended; he has not worked continuously for 240 days or more between any block of 12 months particularly in 12 months preceding 1989. It is now established Law that temporary / casual employees cannot be regularised, since it violates Article 14 and 16 of Constitution of India 1950. They shall face open

recruitment with others whenever vacancies are advertised and cannot seek back door entry by regularisation etc. There is no question of maintaining seniority list of temporary / casual employees and there is no question of retrenching such employees nor it is required to comply provision of Sec 25-F of the ID Act.

4. Both parties placed their respective evidence oral / documentary.

5. The 1st Party while reiterating his claim alleged that he is discriminated by the 2nd Party, persons who joined the 2nd Party subsequent to him were retained and regularised the service. He quoted the example of Sh. Nagaraj who joined service subsequent to him, but was regularised in service. Among other things, he produced his Service Certificate (Ex W-1) - Salary Certificate (Ex W-3) - Ex W-4 demonstrating that he has worked for 90 days between 1987-1988.

During his cross examination, he admits that, he completed SSLC probably in the year 1978-79, and his name was not sponsored from Employment Exchange - his name was not there in the Chitradurga District list.

Sh. M.G. Nagaraj was working at Kowl Bazaar Branch at Bellary, between January 1985 to March 1994 – his name was appearing in Bellary Zone list; between 1991 to 1994 said Sh. Nagaraj worked for 120 days in 1985 and 120 days in 1993.

6. Rebuttal evidence was adduced by the 2nd Party by examining the Chief Manager, Hosadurga Branch. It was categorically stated that, the 1st Party workman was appointed on temporary basis which ended on aforesaid date - he was engaged whenever permanent employees went on leave or remained absent - he had not worked continuously for 240 or more days during any block of 12 months and particularly 12 months preceding 30.11.1998.

The witness brought on record three circulars i.e., Staff Circular No. 9 dated 21.04.1991, Staff Circular No. 66 dated 03.09.1991, Staff Circular No. 74 dated 30.09.1991(Ex M-1 to Ex M-3). As per Ex M-1, temporary employees who work between 01.11.1984 to 31.12.1989 on full time or part time basis and who have completed 90 days and fulfil the eligibility criteria like age /education qualification, will be given opportunity for appearing in the interview. The selected candidates will be absorbed against approved permanent vacancies in the cadre of subordinate Staff. Under Ex M-2 temporary employees who have completed the service prior to 31.10.1984 but who have not availed opportunity of the interview and those who though interviewed and not selected and once again completed 90 days of service after 31.10.1984 upto 31.12.1989 were called upon to submit application to the Branch, if they had worked and the Branches forwarded the same to the Head Office. Ex M-3, the qualification prescribed as temporary appointment for Peons minimum 8th pass and SSLC fail (non-matriculation) - the age limit was 18-26 years was on the date of appointment – their names have to be sponsored through Employment Exchange. Ex M-4 is the Paper publication dated 11.09.1991 issued by the 2nd Party with regard to absorption of temporary employees calling for application from temporary employees who had worked 90 days or more between 01.01.1982 to 31.10.1984 and 01.11.1984 to 31.12.1989 and who were not able to apply to the post during the recruitment conducted during 1987. The witness has averred that, the Bank adopted the selection procedure while absorbing temporary employees to the permanent cadre.

It is further averred by MW-1 that, the 1st Party was called for interview, he was not selected since he exceeded in education qualification and scored only 33 marks as per the rating / marks at Sl. No. 72 (Ex M-6). The selection procedure for absorption of temporary employees to permanent cadre is, for general candidate cut off marks was 40 marks out of 76 marks and SC/ST candidates 36 marks was the cut off marks; for every completed year of service one mark was added; list of eligible candidates was prepared District wise; those who fulfilled the requirements as per the circulars and had education qualification and were sponsored by Employment Exchange were selected in the interview and their names were shown in the list prepared and offer of appointment was issued to them. The 1st Party's name was not sponsored by Employment Exchange. Ex M-5 is the Order listing the eligible candidates wherein the procedure of selection is annexed to the said Order.

The Certified Copy of the rating sheet / marks scored in the interview held on 23.11.1991 by the candidates is marked as Ex M-6. The SSLC marks card of Sh. M.G. Nagaraj and the certificate date 22.12.1994

showing the number of days of his work between 28.01.1985 to 04.03.1994 are marked in evidence as Ex M-7 and EX M-8. It is averred that Nagaraj was selected in the interview and scored 44 marks; he was qualified with eligibility criteria and was issued appointment Order dated 11.03.1994 (Ex M-9); they have not maintained seniority list of temporary / casual employees.

The witness further produced Ex M-10 a general circular No. 182/2002-03 dated 28.01.2003 whereby the period of maintenance and destruction of old record inclusive of attendance register, bonus registers and voucher registers is contemplated. The 2nd Party was necessitated to produce Ex M-10 since the 1st Party insisted for production of original documents.

7. During the cross examination of MW-1, the 1st Party goes to the extent of attacking the veracity of the circulars issued and the very scheme of selection (Ex M-1 to Ex M-6). The tone of cross examination was that the 1st Party has served the 2nd Party continuously for more than 240 days, he is discriminated and victimised without selecting him for the permanent post. But there is no basis for such assumptions and presumptions. There is no enabling documentary proof for his rendering service continuously for 240 days. He is temporary / casual employee and there was no question of maintaining his seniority list. On his own admission during cross examination his name was not sponsored by Employment Exchange and his education qualification was high (SSLC passed) as against the required criteria of 8th Pass- SSLC fail. While the cut off marks for selection was 40, he has scored only 33 marks during the interview (as per Ex M-6 / rating sheet). Whereas, M.G. Nagaraj has fared well by scoring 44 marks his allegation in respect of appointment of Sh. M.G. Nagaraj is without basis and he is unable to nullify the documentary proof Ex M-7 to EX M-9 pertaining to him. His allegation is that he is discriminated from Nagaraj is baseless since said Nagaraj is from Bellary list and 1st Party workman is from Chitradurga District.

8. Having not proved that he has rendered continuous service to the 2nd Party as contemplated by Sec 25-B of 'the Act', his disengagement on 30.11.1998 does not fall within the four walls of Retrenchment defined by Sec 2 (oo) of 'the Act'. Hence, there was no requirement to comply the provision of Sec 25-F of 'the Act'. He was not qualified for selection to the permanent post, hence, his claim for regularisation of service is without any basis or justification.

AWARD

The reference is rejected.

(Dictated to o/s LDC, transcribed by her, corrected and signed by me on 03rd June, 2020)

JUSTICE SMT. RATNAKALA, Presiding Officer